

EXH. 3
DECL. OF PERICLES LEWIS
(YALE UNIVERSITY)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF MASSACHUSETTS, et.
al.,

Plaintiffs,

v.

Civil Action No. _____

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, et. al.,

Defendants.

DECLARATION OF PERICLES LEWIS

I, Pericles Lewis, pursuant to 28 U.S.C. § 1746, hereby declare and affirm:

1. I am the Vice President for Global Strategy and Vice Provost for Academic Initiatives at Yale University, located in New Haven, Connecticut.
2. I submit this declaration in support of the State of Connecticut's litigation challenging the Immigration and Customs Enforcement policies announced on July 6, 2020, by "Broadcast Message," which are to be published as a Temporary Final Rule to amend requirements of the Student and Exchange Visitor Program (the "Rule").
3. I have compiled the information set forth below through personal knowledge and with the assistance of Yale personnel, who have gathered and presented me with relevant information. I have also familiarized myself with the Rule in order to understand its immediate impact on Yale.

4. For the 2019-2020 academic year, Yale enrolled more than 3,000 international students from 120 different countries. See <https://oiss.yale.edu/about/statistics-reports/statistics-reports-2019-2020#scholars>. International students make up nearly a quarter of total student enrollment across Yale's undergraduate college and fourteen professional schools. *Ibid*. More than ten percent of Yale undergraduates are international, as are more than one-third of the students at some of Yale's graduate and professional schools. See <https://oiss.yale.edu/sites/default/files/files/Reports/Student%20%20Scholar%20Fall%202019%20Report%2024.pdf>.
5. These students reflect our global, pluralistic society, contribute powerfully to campus diversity, and provide unique insight into global problems and possible solutions.
6. The American economy receives a great boost from the more than 800,000 international students enrolled in degree programs in U.S. higher education institutions. See <https://nces.nsf.gov/pubs/nsb20197/international-s-e-higher-education>. According to NAFSA: Association of International Educators, international students studying at U.S. colleges and universities contributed \$41 billion to the economy and supported 458,290 jobs during the 2018-2019 academic year. See <https://www.nafsa.org/sites/default/files/media/document/isev-2019.pdf>. In Connecticut alone, international students contributed more than half a billion dollars to the state economy and supported almost 15,000 jobs, with Yale supplying nearly a quarter of the financial benefits. See <https://www.nafsa.org/isev/reports/state?year=2018&state=CT>.
7. International students who remain in the U.S. following graduation can further contribute their talents to the economy. See https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3581039. At Yale College alone, around 250 international graduates from

the classes of 2016-2019 planned to work in the U.S. after graduation, including several dozen in Connecticut. Additionally, nearly twenty percent of recent international student graduates from Yale's undergraduate, graduate, and professional schools go on to work in Connecticut under the federal "optional practical training" visa program.

8. Immigrant enterprise greatly enriches our nation and our state. Thirty-five percent of new firms have at least one immigrant co-founder, with more than twenty percent of America's billion-dollar start-ups having at least one immigrant founder who first came to the U.S. as an international student. See <https://hbr.org/2016/10/immigrants-play-a-disproportionate-role-in-american-entrepreneurship>; <https://nfap.com/wp-content/uploads/2018/10/2018-BILLION-DOLLAR-STARTUPS.NFAP-Policy-Brief.2018.pdf>. Yale in particular is a crucial incubator for entrepreneurship skills: the founders of Connecticut companies Upright Oats, AgriCORE, and Cambium Carbon were all student participants in Tsai CITY, an entrepreneurship center at Yale.
9. STEM education, teaching, and research at American universities benefit especially from international students. There is a strong level of international enrollment in STEM disciplines. See <https://nces.nsf.gov/pubs/nsb20197/international-s-e-higher-education>. This allows institutions to provide teaching and undertake research in important undergraduate disciplines, such as computer science, which they otherwise could not. See <https://nfap.com/wp-content/uploads/2017/10/The-Importance-of-International-Students.NFAP-Policy-Brief.October-20171.pdf>. It also creates a pipeline of talent for the American STEM workforce. For example, fifteen percent of the foreign-born residents in the Hartford Metropolitan Statistical Area hold science and engineering degrees. See <https://www.census.gov/library/publications/2011/acs/acsbr10-06.html>.

Some of Connecticut's most successful bioscience startups, such as Ancera, Arvinas, Isoplexis, Achillion, and Kolltan, were founded or led by scientists or entrepreneurs who immigrated to the U.S.

10. Immigrants have historically been instrumental in advancing scientific innovation.

Looking back to the inventive era of 1880 to 1940, the ten states with the highest levels of patents per capita had large numbers of immigrants, about one-fifth of their population, while in the least inventive states immigrants comprised about two percent of the population. See <https://www.nber.org/digest/apr17/apr17.pdf>. International students and researchers currently play a major role in advancing research that redounds to the benefit of their institutions. For example, in 2011, fifty percent or more of all patents at many top patent-producing universities were awarded to foreign-born students, postdoctoral fellows, researchers, or faculty inventors. See <https://www.newamericaneconomy.org/wp-content/uploads/2013/07/patent-pending.pdf>. Yale faculty member or student founders, and Yale intellectual property, were also involved in all the Connecticut bioscience startups mentioned above.

11. International students are vital to the functioning of American medicine and healthcare.

The federal government's "optional practical training" program allows international students to perform jobs in the healthcare industry that would otherwise go unfilled. One report estimated that, by curbing this program, up to 179,000 jobs could be lost in the health care industry and other service industries. See https://s3.amazonaws.com/brt.org/BRT-OPTProgramReport_1.pdf.

12. The role of international students is particularly crucial now, in the midst of the Covid-19 pandemic. For example, more than one-third of the students at the Yale School of Public

Health (YSPH) are international. See <https://oiss.yale.edu/sites/default/files/files/Reports/Student%20%20Scholar%20Fall%202019%20Report%2024.pdf>. YSPH students and faculty have provided important expertise and advice to the State during the pandemic. The Governor described YSPH Professor Albert Ko, who co-chaired the Reopen Connecticut Advisory Group, as “our Dr. Fauci.” <https://medicine.yale.edu/news-article/25223/>. And at the request of the Connecticut Department of Public Health, student volunteers and faculty led by the YSPH helped perform data collection concerning residents of long-term care facilities. See <https://medicine.yale.edu/news-article/24423/>.

13. Dozens of students at the Yale School of Medicine are also international. The School of Medicine has provided life-saving clinical care to Connecticut residents during the pandemic. Yet as one medical student has said, if they cannot be present in the United States “it will be impossible for students working from their home countries to keep up.” <https://www.washingtonpost.com/outlook/2020/07/09/ice-foreign-students-online-courses-deportation/>. Moreover, international graduate and postdoctoral students are members of the Yale laboratories performing breakthrough research in fighting the pandemic. For example, one international postdoctoral student working in the Ben Mamoun Lab at Yale is an infectious disease specialist who can assist in developing a diagnostic test that detects specific antigens in urine as biomarkers of infection, which can be used for large-scale screening of the general population.
14. Yale has relied on Immigration and Customs Enforcement’s March policy in its planning for the return of students this fall, and the recently announced policy change would disrupt that planning and could have a negative impact on public health. Yale’s planning

for the fall semester began in mid-March. The provost appointed six university-wide contingency planning groups who worked hundreds of hours to come up with various contingency plans for the fall term. Faculty, administrators, staff, and students from across disciplines, schools, departments, and units worked on these committees.

Additionally, deans of the graduate and professional schools as well as Yale College appointed their own task forces and committees to make school-specific plans for the fall. These plans all included having international students on campus.

15. Being forced to alter this planning at this stage creates serious burdens for Yale, and risks negative public health consequences for Connecticut. Yale is carefully calibrating its hybrid program to include an appropriate mix of virtual and in-classroom experiences for students to protect public health and provide an excellent education. If all students on F1 visas are required to attend an in-person class, this will increase the total number of students attending classes on campus, making it more difficult to enforce and maintain social distancing guidelines. Faculty, students, and staff at the university will be at greater risk of exposure as a result of the increased population of in-person students. Additionally, the requirement that by August 4th, all I-20s with a new notation must be reissued for schools in a hybrid mode creates unmanageable administrative burdens to create these forms and provide original copies of them to hundreds of students currently located around the globe.

16. In the words of President Peter Salovey, international students are “part of the very lifeblood” of Yale. See <https://president.yale.edu/speeches-writings/statements/update-yale-s-response-executive-order-immigration>. For all the reasons mentioned in this

declaration, these students contribute “new ideas, skills, energy, and cultures” to Yale, Connecticut, and the nation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this eleventh day of July, 2020

A handwritten signature in black ink, appearing to read 'Pericles Lewis', written over a horizontal line.

Pericles Lewis

Vice President for Global Strategy and Vice Provost for
Academic Initiatives

Yale University